



COMMONWEALTH OF KENTUCKY
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OAG 17-007

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Subject: Effective date of certain legislation passed during the 2017 Regular Session of the Kentucky General Assembly

Requested by: David A. Byerman, Director
Legislative Research Commission

Written by: James M. Herrick
Assistant Attorney General

Syllabus: In accordance with Section 55 of the Constitution of Kentucky, the effective date of legislation passed by the 2017 Regular Session of the Kentucky General Assembly, except for general appropriation measures and those containing emergency or delayed effective date provisions, is the first moment of Thursday, June 29, 2017, since 90 full days will then have passed after final adjournment on March 30, 2017.

Constitutional provision construed: KY. CONST. § 55

OAG cited: OAG 07-002

Opinion of the Attorney General

The following question, in substance, has been presented: What is the effective date of legislation, other than general appropriation bills and acts containing emergency or delayed effective date provisions, passed during the 2017 Regular Session of the Kentucky General Assembly, *the Assembly having finally adjourned on Thursday, March 30, 2017?*

As discussed below, the effective date of legislation, other than general appropriation bills and acts containing emergency or delayed effective date provisions, passed during the 2017 Regular Session of the Kentucky General Assembly, is *the first moment of Thursday, June 29, 2017*.

Section 55 of the Constitution of Kentucky provides:

No act, except general appropriation bills, shall become a law *until ninety days after the adjournment of the session at which it was passed*, except in cases of emergency, when, by the concurrence of a majority of the members elected to each House of the General Assembly, by a yea and nay vote entered upon their journals, an act may become a law when approved by the Governor, but the reasons for the emergency that justifies this action must be set out at length in the journal of each House.

(Emphasis added.)

"[U]ntil ninety days *after* the adjournment" (emphasis added), as used in Section 55 of Kentucky's Constitution (above), indicates that the day of adjournment (meaning the day of final adjournment for the session, termed "adjournment *sine die*") is to be *excluded* in computing the 90-day period. It follows that the 90th day shall be *included* in the period, in order that 90 full days shall expire *after* final adjournment, before certain legislation passed during the session becomes effective. See OAG 07-002.

Applying the analysis described above to the 2017 Regular Session, the General Assembly having adjourned *sine die* on March 30, 2017, we find the following, regarding legislation other than general appropriation bills or acts containing emergency or delayed effective date provisions: The first day of the 90-day period *after* the session is Friday, March 31, 2017, and the 90th day of that period is Wednesday, June 28, 2017. When the last moment of that 90th day has expired, ninety full days will have passed *after* the adjournment "sine die" of the 2017 Regular Session of the Kentucky General Assembly. It follows that legislation (except for general appropriation measures and those containing emergency or delayed effective date provisions) passed during the 2017 Regular Session of

the Kentucky General Assembly will be *effective on the first moment of Thursday, June 29, 2017.*

Andy Beshear
Attorney General

A handwritten signature in black ink, appearing to read "James M. Herrick". The signature is fluid and cursive, with a long horizontal stroke at the end.

James M. Herrick
Assistant Attorney General